

JUL 22 2005

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**FROM:** Allan A. Fanucci, Esq.  
 212-294-3311
**DATE:** July 22, 2005**CHARGEBACK:**

12442

88265-7029

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Group Art Unit: 1761 Examiner: L. Wong	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	571-273-8300	

Total number of pages including this page: 4

**COMMENTS**

Re: U.S. Patent Application of Ying ZHENG et al.  
 Serial No.: 10/670,239; Filed: September 26, 2003  
**For: STABILIZER-FREE STABILIZED COFFEE AROMA**

See attached Amendment and Fee Transmittal with Terminal Disclaimer . Kindly  
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Allan Fanucci

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ying ZHENG et al.

Confirmation No. 7444

Application No.: 10/670,239

Group Art Unit: 1761

Filing Date: September 26, 2003

Examiner: L. Wong

For: STABILIZER-FREE STABILIZED  
COFFEE AROMA

Atty. Docket No.: 88265-7029

AMENDMENT AND FEE TRANSMITTAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

In response to the office action dated June 29, 2005, applicants submit herewith a terminal disclaimer to overcome the sole rejection for obviousness-type double patenting. It is believed that the entire application is now in condition for allowance.

No fee is believed to be due for the submission of this paper except for the fee which is required to be paid for the recording of the terminal disclaimer. Please charge the required fee, believed to be \$110, along with any other required fees necessary to process this response, to Winston & Strawn LLP Deposit Account No. 50-1814.

Respectfully submitted,

Date: 7/22/05

  
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN  
Customer Number 28765  
(212) 294-3311

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I hereby certify that this correspondence, consisting of a fee sheet and two page terminal disclaimer, is being transmitted by facsimile to the United States Patent and Trademark Office, to facsimile telephone number 571-273-8300 on July 22, 2005.

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ying ZHENG et al.

Confirmation No. 7444

Application No.: 10/670,239

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Filing Date: September 26, 2003

Examiner: L. Wong

For: STABILIZER-FREE STABILIZED  
COFFEE AROMA

Atty. Docket No.: 88265-7029

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313 - 1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application.

Petitioner states that he has reviewed the assignment documents that were each recorded on March 22, 2004 at Reel 014449 Frame 0923 and on September 11, 2003 at Reel 014501 Frame 0788, Reel 014498 Frame 0238, and Reel 014502 Frame 0069, and confirms that Nestec SA is the owner of both the above-identified application and US patent applications 10/661,388, 10/661,397 and 10/661,432.

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the term of any patent issuing from either of US patent applications 10/661,388, 10/661,397 or 10/661,432, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application and any patent that issues from either of US patent applications 10/661,388, 10/661,397 and 10/661,432 are commonly owned.

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Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns.

Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of any patent issuing from either of US patent applications 10/661,388, 10/661,397 or 10/661,432 in the event that that any such patent is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 22nd day of July, 2005.

  
Allan A. Fanucci Reg. No. 30,256

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